



# DIGEST SUPPLEMENT

To Legislative Digest and History of Bills  
**Supplement No. 56\***

FIFTY-SEVENTH LEGISLATURE

Monday, April 9, 2001

92nd Day - 2001 Regular

## SENATE

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SB 5686  
SB 5743-S  
SB 5749-S  
SB 5760-S  
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SB 6174

## HOUSE

HB 1995-S  
HB 2232  
HB 2233  
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HB 2235

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### HOUSE

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\*To be discarded upon receipt of Edition No. 1 of the Legislative Digest and History of Bills

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### House Bills

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**HB 1995-S** by House Committee on Judiciary  
(originally sponsored by Representatives  
Dickerson, Cairnes, Grant, Dunn, Campbell, Kagi, Pearson  
and Wood)

Prohibiting civil forfeitures of property unless the owner  
has been convicted of a crime.

(AS OF HOUSE 2ND READING 4/05/01)

Provides that, in all cases, the burden of proof is upon  
the law enforcement agency to establish, by a  
preponderance of the evidence, that the property is subject  
to forfeiture.

Declares that, in any proceeding to forfeit property  
under this act, where the claimant substantially prevails, the  
claimant is entitled to reasonable attorneys' fees reasonably  
incurred by the claimant. In addition, in a court hearing  
between two or more claimants to the article or articles  
involved, the prevailing party is entitled to a judgment for  
costs and reasonable attorneys' fees.

Requires the senate and house of representatives  
judiciary committees to convene a workgroup to evaluate  
Washington civil forfeiture laws and practices. The efforts  
of the workgroup shall include: An evaluation of the  
enacted changes to the federal civil forfeiture act and how  
they compare to current Washington law; an analysis of  
whether a requirement for a criminal conviction before civil  
forfeiture would raise additional constitutional issues; a  
comprehensive review of every civil forfeiture case that  
took place in Washington state under state law during the  
year 2000; a discussion of recommendations and issues in  
the Washington civil forfeiture statutes, including issues  
upon which the workgroup can agree and those that remain  
in dispute; and any other civil forfeiture issues identified by  
the workgroup during its deliberations.

**-- 2001 REGULAR SESSION --**

Mar 29 JUDI - Majority; 1st substitute bill be  
substituted, do pass.  
Mar 30 Passed to Rules Committee for second  
reading.  
Apr 4 Placed on second reading by Rules  
Committee.  
Apr 5 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third  
Reading.  
Third reading, passed: yeas, 96; nays, 0;  
absent, 2.

**- IN THE SENATE -**

Apr 6 First reading, referred to Rules.

**HB 2232** by Representatives Sehlin, H. Sommers  
and Fromhold

Defining earnable compensation for the teachers' retirement  
system.

Amends RCW 41.32.010 to define earnable  
compensation for the teachers' retirement system.

**-- 2001 REGULAR SESSION --**

Apr 6 First reading, referred to  
Appropriations.

**HB 2233** by Representatives H. Sommers and  
Sehlin

Authorizing contractual agreements with federal  
government for administration of state supplementation of  
supplemental security income.

Authorizes contractual agreements with federal  
government for administration of state supplementation of  
supplemental security income.

**-- 2001 REGULAR SESSION --**

Apr 6 First reading, referred to  
Appropriations.

**HB 2234** by Representatives Ahern, Mastin,  
Mulliken, Roach, Schindler, Sump,  
Anderson, Jarrett, Armstrong, McMorris, Benson, Morell,  
Cox, Mielke, Pearson and Mitchell

Clarifying the repeal of motor vehicle taxes.

Repeals RCW 35.58.273, 35.58.274, 35.58.275,  
35.58.276, 35.58.277, and 35.58.278.

Applies retroactively to January 1, 2000.

**-- 2001 REGULAR SESSION --**

Apr 6 Held on first reading.

**HB 2235** by Representatives Cooper, Ericksen,  
Berkey, Barlean, Lovick, Dunshee,  
Crouse, Poulsen, Fromhold, Jarrett, Rockefeller, Edmonds,  
Morris, Marine, Murray and Linville

Encouraging pollution control.

Provides incentives to reduce air pollution from diesel  
fuels.

Provides that motor vehicle operators using ultralow  
sulfur fuel, as defined in RCW 82.36.010, will receive a  
motor vehicle fuel tax refund of five cents for each gallon  
of motor vehicle fuel used, whether the vehicle fuel tax has  
been paid to the vendor from whom the motor vehicle fuel  
was purchased or indirectly by adding the tax to the price of  
the fuel.

Expires September 1, 2006.

**-- 2001 REGULAR SESSION --**

Apr 6 First reading, referred to  
Transportation.

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## Senate Bills

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**SB 5237-S** by Senate Committee on Ways & Means  
(originally sponsored by Senators Rasmussen, Swecker, Sheahan, Honeyford, West, Fraser, Kastama, Regala, Hewitt, Hale, Parlette, Morton, Hochstatter and Franklin)

Making annual transfers of money into the fair fund.

(AS OF SENATE 2ND READING 4/05/01)

Provides that, at the beginning of fiscal year 2002 and each fiscal year thereafter, the state treasurer shall transfer into the fair fund from the general fund the sum of two million dollars.

Appropriates the sum of one hundred thousand dollars for the fiscal year ending June 30, 2002, from the general fund to the fair fund to be used for special assistance as provided for in RCW 15.76.150.

**-- 2001 REGULAR SESSION --**

Mar 26 WM - Majority; 1st substitute bill be substituted, do pass.  
Passed to Rules Committee for second reading.

Mar 30 Made eligible to be placed on second reading.

Apr 2 Placed on second reading by Rules Committee.

Apr 5 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 47; nays, 0; absent, 2.

**SB 5514-S2** by Senate Committee on Ways & Means  
(originally sponsored by Senators Spanel, Carlson, Hale, Gardner, Rasmussen, Winsley, Regala, Costa and Fraser)

Revising public facility district provisions.

(AS OF SENATE 2ND READING 4/05/01)

Revises public facility district provisions.

Provides that the legislative authority of any town or city, or any contiguous group of towns or cities, located in a county with a population of less than one million and the legislative authority of the county or counties in which the towns or cities are located may enter into an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

Requires that a public facilities district created by an agreement between a town or city, or a contiguous group of towns or cities, and the county in which they are located shall be coextensive with the boundaries of the towns or cities, and the boundaries of the county or counties as to the

unincorporated areas of the county or counties. The boundaries shall not include incorporated towns or cities that are not parties to the agreement for the creation and joint operation of the district.

Provides that a public facilities district created under RCW 36.100.010 and a public facilities district created under RCW 35.57.010 located in the same county may enter into agreements under chapter 39.34 RCW to jointly acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more regional centers.

Provides that the governing body of a public facilities district created under chapter 35.57 or 36.100 RCW after December 31, 2001, that commences construction of a new regional center, or improvement or rehabilitation of an existing new regional center, before January 1, 2004, may impose a sales and use tax in accordance with the terms of this act beginning July 1, 2002.

Provides that a public facilities district established in accordance with this act shall be dissolved and its affairs liquidated:

(1) When directed by a majority of persons in the district voting on the question. An election placing the question before the voters may be called by resolution of the public facilities district governing authority; or

(2) At such time that the initial debt issued by the district that is secured by the tax authorized in this act has been retired.

Provides that a public facilities district that will construct a regional center may apply for an exemption in the form of a remittance of fifty percent of the taxes paid under chapters 82.08, 82.12, and 82.14 RCW on design, site preparation, construction of buildings or other structures, and acquisition of related machinery and equipment, for the regional center.

**-- 2001 REGULAR SESSION --**

Mar 27 WM - Majority; 2nd substitute bill be substituted, do pass.

Mar 28 Passed to Rules Committee for second reading.

Mar 30 Made eligible to be placed on second reading.

Apr 2 Placed on second reading by Rules Committee.

Apr 5 2nd substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 39; nays, 10; absent, 0.

**SB 5686** by Senators Eide, Rasmussen, Kohl-Welles, McAuliffe and Carlson; by request of Governor Locke

Changing academic assessments timelines.

(AS OF SENATE 2ND READING 4/04/01)

Revises academic assessments timelines.

Provides that the high school social studies component of the Washington assessment of student learning shall not be administered before the eleventh grade.

Provides that, prior to 2008, any student who passes the high school assessments shall receive an endorsement on his or her high school transcript.

**-- 2001 REGULAR SESSION --**

Jan 30 First reading, referred to Education.  
Feb 28 EDU - Majority; do pass.  
Minority; do not pass.  
Passed to Rules Committee for second reading.  
Mar 10 Placed on second reading by Rules Committee.  
Apr 4 Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 46; nays, 2; absent, 1.

**- IN THE HOUSE -**

Apr 6 First reading, referred to Education.

**SB 5743-S** by Senate Committee on Transportation (originally sponsored by Senators Haugen, Horn, Shin, Winsley, Oke and Kohl-Welles; by request of The Blue Ribbon Commission on Transportation)

Investing in human resources for transportation.

(AS OF SENATE 2ND READING 4/04/01)

Directs the apprenticeship council to work with the department of transportation, local transportation jurisdictions, local and state joint apprenticeships, representatives of transportation labor groups, and representatives of the state's universities and community and vocational colleges to establish technical apprenticeship opportunities specific to the needs of transportation.

Requires the council to issue a report of findings and recommendations to the transportation committees of the legislature by December 1, 2001. The report must include, but not be limited to, findings and recommendations regarding the establishment of transportation technical training programs within the community and vocational college system and in the state universities.

Requires the department of labor and industries, in cooperation with the department of transportation, to conduct an assessment of the current practices, including survey techniques, used in setting prevailing wages for those trades related to transportation facilities and transportation project delivery. The assessment must include an analysis of regional variations.

Requires a final report to be submitted to the governor and the transportation committees of the senate and house of representatives by December 1, 2001.

**-- 2001 REGULAR SESSION --**

Mar 8 TRAN - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.

Passed to Rules Committee for second reading.

Mar 13 Placed on second reading by Rules Committee.

Apr 4 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 48; nays, 0; absent, 1.

**- IN THE HOUSE -**

Apr 6 First reading, referred to Transportation.

**SB 5749-S** by Senate Committee on Transportation (originally sponsored by Senators McAuliffe, Horn, Winsley, Oke and Haugen; by request of The Blue Ribbon Commission on Transportation)

Adopting cost-benefit analysis for transportation planning.

(AS OF SENATE 2ND READING 4/04/01)

Adopts cost-benefit analysis for transportation planning.

Declares that the preservation program consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

- (1) Life-cycle cost analysis;
- (2) Traffic volume;
- (3) Subgrade soil conditions;
- (4) Environmental and weather conditions;
- (5) Materials available; and
- (6) Construction factors.

Requires the commission to develop and use transportation demand modeling tools to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the commission can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

Requires the department to conduct multimodal corridor analyses on major congested corridors. Analysis will include the cost-effectiveness of all feasible strategies in addressing congestion or improving mobility within the corridor, and must recommend the most effective strategy or mix of strategies to address identified deficiencies.

Requires a long-term view of corridors to be employed to determine whether an existing corridor should be expanded, a city or county road should become a state route, and whether a new corridor is needed to alleviate congestion and enhance mobility based on travel demand.

**-- 2001 REGULAR SESSION --**

Mar 8 TRAN - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.  
Passed to Rules Committee for second reading.

Apr 3 Placed on second reading by Rules Committee.

Apr 4 1st substitute bill substituted.  
Floor amendment(s) adopted.  
Rules suspended. Placed on Third Reading.  
Third reading, passed: yeas, 48; nays, 0; absent, 1.

**- IN THE HOUSE -**

Apr 6 First reading, referred to Transportation.

**SB 5760-S** by Senate Committee on Transportation (originally sponsored by Senators Patterson, Horn, Prentice, McAuliffe, Shin, Finkbeiner, Haugen and Kohl-Welles; by request of The Blue Ribbon Commission on Transportation)

Directing use of intelligent transportation systems and traffic system management.

(AS OF SENATE 2ND READING 4/04/01)

Finds that emerging technologies can assist in optimizing the state's large, complex, and increasingly congested transportation system. Traffic system management (TSM) and intelligent transportation systems (ITS) are designed to add capacity without requiring major new infrastructure additions.

Declares an intent that funding be provided to projects and programs that provide cost-effective means of relieving congestion. The projects and programs may include, but are not limited to, freeway ramp metering, signal synchronization, patrols dedicated to removal of disabled vehicles from roadways, and highway messaging signs.

Provides that the department shall not spend more than five percent of funds from the improvement program for intelligent transportation systems (ITS) and traffic system management (TSM) projects and programs that improve system performance and capacity.

Provides that, by December 1st of each year the department must report to the office of financial management and the legislature on the amount of funds spent on intelligent transportation systems and traffic systems projects and programs.

**-- 2001 REGULAR SESSION --**

Mar 8 TRAN - Majority; 1st substitute bill be substituted, do pass.  
Minority; do not pass.  
Passed to Rules Committee for second reading.

Apr 3 Placed on second reading by Rules Committee.

Apr 4 1st substitute bill substituted.  
Floor amendment(s) adopted.

Rules suspended. Placed on Third Reading.

Third reading, passed: yeas, 48; nays, 0; absent, 1.

**- IN THE HOUSE -**

Apr 6 First reading, referred to Transportation.

**SB 5764-S** by Senate Committee on Transportation (originally sponsored by Senators Shin, Horn, Winsley, Oke and Haugen; by request of The Blue Ribbon Commission on Transportation)

Maintaining and preserving transportation facilities and assets.

(AS OF SENATE 2ND READING 4/04/01)

Finds that roads, streets, bridges, and highways in the state represent public assets worth over one hundred billion dollars. These investments require regular maintenance and preservation, or rehabilitation, to provide cost-effective transportation services. Many of these facilities are in poor condition.

Declares that, given the magnitude of public investment and the importance of safe, reliable roadways to the motoring public, the legislature intends to create stronger accountability to ensure that cost-effective maintenance and preservation is provided for these transportation facilities.

Requires that, as a condition of receiving state funding, a public entity that has assumed the transportation functions of a metropolitan municipal corporation shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the entity, and provide a plan for maintenance, preservation, and, where appropriate, replacement of assets based on lowest life cycle cost methodologies.

Provides that, during the 2001-2003 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the city's or town's arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method.

Provides that, for purposes of maintaining and preserving any state-owned component of the state's passenger rail program, the statewide multimodal transportation plan must identify all such assets and provide a preservation and maintenance plan based on lowest life cycle cost methodologies.

Requires the board to establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2006. The board shall develop a model maintenance management system for use by counties.

Requires the board to develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board.

Requires the board to compile the county data regarding maintenance management and annually submit it to the transportation commission or its successor entity.

**-- 2001 REGULAR SESSION --**

- Mar 8     TRAN - Majority; 1st substitute bill be substituted, do pass.  
             Passed to Rules Committee for second reading.
- Mar 10    Made eligible to be placed on second reading.
- Mar 12    Placed on second reading by Rules Committee.
- Apr 4     1st substitute bill substituted.  
             Floor amendment(s) adopted.  
             Rules suspended. Placed on Third Reading.  
             Third reading, passed: yeas, 49; nays, 0; absent, 0.

**- IN THE HOUSE -**

- Apr 6     First reading, referred to Transportation.

**SB 5765-S**     by Senate Committee on Transportation (originally sponsored by Senators Prentice, Swecker, Shin, Oke, Parlette, Horn, Haugen and McDonald; by request of The Blue Ribbon Commission on Transportation)

Streamlining the environmental permit process for transportation projects.

(AS OF SENATE 2ND READING 4/04/01)

Finds that the public health and safety of its citizens, natural resources, and the environment are vital interests of the state that need to be protected and preserved.

Finds that the safety of the traveling public and the state's economic well-being are vital interests that depend upon the development of cost-effective and efficient transportation systems planned, designed, constructed, and maintained through expedited permit decision-making processes.

Declares an intent to achieve transportation permit reform to expedite the delivery of statewide significant transportation projects through a streamlined approach to environmental permit decision making while improving environmental benefits through a watershed-based approach to aquatic and natural resource management. In order to optimize the limited resources available for transportation system improvements and environmental protection, state regulatory and natural resource agencies, public and private sector interests, Indian tribes, and the department of transportation must work cooperatively to establish common goals, minimize project delays, develop consistency in the application of environmental standards, maximize environmental benefits through coordinated investment strategies, and eliminate duplicative processes

through delegation of selected permit drafting and compliance activities between state and federal agencies.

Creates the transportation permit efficiency and accountability committee. The committee must conduct three environmental permit streamlining pilot programs. The committee must also identify and develop general permits and a programmatic consultation process. Finally, the committee must explore other permit streamlining opportunities by designating transportation projects of statewide significance and selected delegation of permit authority.

Directs the committee to select and conduct three permit reform pilot programs.

Provides that the committee must select one permit reform pilot program that includes a mix of projects from each of the following geographic areas: (1) The Translake and I-405 congestion relief study areas to test the application of permit reform to near built-out conditions in urban areas within the Cedar-Sammamish, Duwamish-Green, and other applicable adjoining watersheds agreed to by the committee;

(2) Transportation projects that can be grouped for geographic permit decision making related to western Washington watersheds and salmon recovery areas for the Willapa, Grays-Elochoman, Lewis, Salmon-Washougal, Wind-White Salmon, Klickitat, and other applicable adjoining watersheds agreed to by the committee; and

(3) Transportation projects that can be grouped for geographic permit decision making related to eastern Washington watersheds and salmon recovery areas for the Walla Walla, Middle Snake, Lower Snake, Rock-Glade, and other applicable adjoining watersheds agreed to by the committee.

Requires the committee and its authorized technical subcommittees to develop a one-stop permit decision-making process that uses interdisciplinary review of transportation projects of statewide significance to streamline and expedite permit decision making. The one-stop permitting process must include early review and coordination between state regulatory agencies and the department in order to develop common environmental goals and strategies, and minimize subsequent changes to conditions.

**-- 2001 REGULAR SESSION --**

- Mar 8     TRAN - Majority; 1st substitute bill be substituted, do pass.  
             Passed to Rules Committee for second reading.
- Apr 3     Placed on second reading by Rules Committee.
- Apr 4     1st substitute bill substituted.  
             Floor amendment(s) adopted.  
             Rules suspended. Placed on Third Reading.  
             Third reading, passed: yeas, 44; nays, 4; absent, 1.

**- IN THE HOUSE -**

- Apr 6     First reading, referred to Transportation.

**SB 6174** by Senators T. Sheldon, Morton, Hale, Zarelli, Honeyford, Horn, Hewitt, Rossi, Stevens, Finkbeiner, Sheahan, Hargrove and Roach

Improving the management of electricity supply and demand.

Declares an intent of this act to: (1) Modify the statutory procedures and authorities of the energy facility siting evaluation council for a limited time to encourage generators to operate their facilities to their fullest capacity;

(2) Provide a regulatory incentive for electrical companies to invest in demand-management systems, promote distributive generation technologies, upgrade hydroelectric facilities, increase transmission and distribution efficiencies, and encourage certain renewable resource projects; and

(3) Offer limited tax incentives to encourage: (a) Installation of new air pollution control equipment at existing peaking plants to decrease certain toxic emissions and increase overall generation output; (b) Upgrades of existing hydroelectric facilities to increase efficiency and generation capacity; (c) Development of cogeneration facilities to maximize the efficient use of gas while increasing electricity supply nearer the load; (d) Research, development, and manufacture of innovative energy technologies and demand-management technologies; and (e) Deployment of demand-management systems.

**-- 2001 REGULAR SESSION --**

Apr 6 First reading, referred to Environment, Energy & Water.

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# LIST OF BILLS IN DIGEST SUPPLEMENTS CONT.

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## SENATE

## HOUSE

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